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2 [Will comply with L.R. IA 11-2 within 45 days of first appearance]
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21 *Attorneys for Defendant*
22 *Andrew Whitney dba Rearden Materials*

23 UNITED STATES DISTRICT COURT

24 DISTRICT OF NEVADA

15 GHOST LABS, LTD, a Nevada limited
16 liability company,

17 Plaintiff,

18 vs.

19 ANDREW WHITNEY, individually and DBA
20 REARDEN MATERIALS; and DOES 1–100,

21 Defendants.

Case No. 3:19-cv-00760-MMD-CLB

**DEFENDANT ANDREW WHITNEY DBA
REARDEN MATERIALS' REMOVAL
STATEMENT**

22 Pursuant to the Court's December 23, 2019 Minute Order (ECF No. 2), Defendant

23 Andrew Whitney dba Rearden Materials ("Defendant") hereby states as follows:

24 1. Defendant was served with a copy of the Complaint on November 20, 2019.

- 1 2. Defendant was served with a copy of the Summons on November 20, 2019.
- 2 3. Complete diversity of citizenship exists in this case based on the following:
 - 3 a. Plaintiff brought this action under the name, Ghost Labs, Ltd, a Nevada limited
4 liability company. Plaintiff's counsel has since advised defendant that is
5 incorrectly identified the name of the plaintiff. Plaintiff intends to amend the
6 complaint, and, after review of the proposed amendment, Defendant intends to
7 stipulation to the amendment.
 - 8 b. Plaintiff's counsel advises the correct name of the plaintiff is Ghost Labs, LLC, a
9 Delaware limited liability company, and represents that its members are:
 - 10 i. Polymer80 Inc., a Nevada corporation, with a principal place of business
11 in Dayton, Nevada, and
 - 12 ii. IIA, LLC, a Delaware limited liability company. In turn, the members of
13 IIA, LLC are
 - 14 1. an individual who resides in California, and
 - 15 2. A trust whose trustee resides in Illinois.
 - 16 3. *See Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894,
17 899 (9th Cir. 2006) ("[A] corporation is a citizen only of (1) the
18 state where its principal place of business is located, and (2) the
19 state in which it is incorporated."); *id.* ("[A]n LLC is a citizen of
20 every state of which its owners/members are citizens."); *id.* ("A
21 trust has the citizenship of its trustee or trustees.").
 - 22 c. Defendant is a citizen of North Carolina, *see Compl. ¶ 2.*
 - 23 d. There are no other named defendants in this action.

4. Concerning the amount in controversy, Plaintiff alleged it is owed approximately \$285,000.00, *id.* at ¶ 35, in excess of \$75,000.00, exclusive of interest and costs.

5. Defendant's Notice of Removal was filed on December 20, 2019, within thirty (30) days of first receiving a copy of the Summons and Complaint on November 20, 2019.

6. The state court action was commenced on October 4, 2019, less than one (1) year prior to the date of removal on December 20, 2019.

DATED January 7, 2020

RAY QUINNEY & NEBEKER P.C.

By: /s/ Calvin R. Winder
JUSTIN T. TOTH, Esq.
CALVIN R. WINDER, Esq.

KAEMPFER CROWELL

By: /s/ Louis M. Bubala III
LOUIS M. BUBALA III, Esq.

*Attorneys for Defendant Andrew Whitney
dba Rearden Materials*

CERTIFICATE OF SERVICE

I certify that I am an employee of Kaempfer Crowell, I am over the age of 18 and my
business address is 50 W. Liberty Street, Suite 700, Reno, Nevada. On January 7, 2020, I
electronically filed the foregoing **DEFENDANT ANDREW WHITNEY DBA REARDEN**
MATERIALS' REMOVAL STATEMENT with the Clerk of this Court by using the CM/ECF
system which provided notice to the following interested parties:

Austin K. Sweet, Esq.
John R. Funk, Esq.
GUNDERSON LAW FIRM
3895 Warren Way
Reno, Nevada 89509

10 I declare under penalty of perjury that the foregoing is true and correct.

11 | Dated January 7, 2020.

/s/ Cheryl Brimm
An employee of Kaempfer Crowell